

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TYRONE FELDER,	:	
	:	20-CV-7531 (VEC)
Petitioner,	:	S2 14-CR-546 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS this Court issued an order denying Petitioner’s motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence on August 10, 2021, *see* Dkt. 8 (the “Order”);

WHEREAS the Clerk of Court’s Office mailed the Order to Petitioner on August 11, 2021, *see* Dkt. 8;

WHEREAS Petitioner filed a motion for the Court to reconsider and amend its Order pursuant to Fed. R. Civ. P. 52(b) and 59(e) on October 26, 2021, *see* Dkt. 9 (the “Motion”);

WHEREAS the Motion states that Petitioner “was given” the Order fifty-one days after it was issued, on September 30, 2021, *see id.* at 1;

WHEREAS the U.S. Court of Appeals for the Second Circuit ordered the Court to construe the Motion as a notice of appeal and as a Fed. R. App. P. 4(a)(5) motion to extend the time to appeal the Order, *see* Dkt. 17;

WHEREAS the deadline for notice of appeal was October 11, 2021, *see* Fed. R. App. P. 4(a)(1)(B)(i);

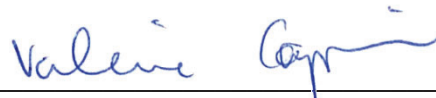
WHEREAS the Court “may extend the time to file a notice of appeal” if the party seeking an extension “so moves no later than 30 days” after the deadline expired and if the party “shows excludable neglect or good cause,” Fed. R. App. P. 4(a)(5)(A);

IT IS HEREBY ORDERED that, by not later than **October 8, 2022**, Petitioner provide a written explanation to the Court for why, given that he received the Order on September 30, 2021, he failed to file a notice of appeal by October 11, 2021.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to mail a copy of this order to Petitioner.

**SO ORDERED.**

**Date: September 8, 2022**  
**New York, NY**



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**VALERIE CAPRONI**  
**United States District Judge**